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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 7

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... Working Group on Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with appreciation of the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14) and, in particular, of its conclusions and recommendations,

Taking note also of Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the decision of the Working Group on Indigenous Populations to highlight specific themes during its fifteenth session and the fruitful discussions on issues relating to indigenous peoples and environment, land and sustainable development, and to indigenous peoples and health,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its fifteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its fifteenth session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-fourth session;

4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis which might assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Expresses its appreciation to the Chairperson-Rapporteur of the Working Group for her supplementary working paper on the concept of "indigenous peoples" (E/CN.4/AC.4/1997/2);

6. Recommends that the Working Group on Indigenous Populations, at its sixteenth session, continue to address indigenous health and indigenous land rights issues, and to include "indigenous peoples: education and language" as the principal item on the agenda of the sixteenth session;

7. Requests the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on matters relating to "indigenous peoples: education and language", as well as health and land rights, to be made available as background papers at the session;

8. Requests the High Commissioner for Human Rights to encourage the undertaking of studies with respect to the rights to food and adequate nutrition of indigenous peoples, as they relate to their access to land, cultural heritage and health, and, as appropriate, call for an international workshop on the theme with the participation of Governments, United Nations bodies, programmes and organizations, and indigenous and non-governmental organizations with a view to evaluating the present access to adequate food and the nutritional status of indigenous peoples and to contributing to practical measures to improve the situation;

9. Requests the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group on Indigenous Populations at its sixteenth session will highlight education and language issues, so that the Board can bear this in mind when it meets for its eleventh session;

10. Requests the Secretary-General to prepare an annotated agenda for the sixteenth session of the Working Group containing, inter alia, the following items: standard-setting activities, including a sub-item on "possible future standard-setting activities, including guidelines or codes of conduct for private sector energy and mining concerns"; review of developments, including sub-items on "review of developments: general statements", "review of developments: indigenous peoples - education and language", "review of recent developments: health and indigenous peoples"; study on indigenous peoples and their relationship to land; a permanent forum for indigenous peoples; the International Decade of the World's Indigenous People, including a sub-item on "preparations for the mid-point review of the Decade"; and the study on treaties, agreements and other constructive arrangements between States and indigenous peoples;

11. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fiftieth session of the Sub-Commission;

12. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to recommend that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fiftieth session of the Sub-Commission."